IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

Bail Appl..No. 545 of 2007()

CRIME NO.3/07 OF VADAKKEKKARA POLICE STATION

: PETITIONER/ACCUSED NO.1:

BIJU, S/O/ BABU,
AGED 33 YEARS, KALLARAKKAL, GOTHURUTHU P.O.,
ERNAKULAM DISTRICT.

BY ADV. SRI.A.C.DEVY

RESPONDENTS: COMPLAINANT:

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1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
ERNAKULAM.

2. SUB INSPECTOR OF POLICE, VADAKKEKARA.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 545 OF 2007

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DATED THIS THE 1ST DAY OF FEBRUARY, 2007

O R D E R

Petitioner who is the first accused in Crime No.3/07 of Vadakkekkara Police Station for offences punishable under sections 323, 324, 326 and 308 read with section 34 IPC, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. The occurrence took place on 1.1.2007 during which the petitioner is alleged to have attacked the de facto complainant and another using sword stick. The petitioner is stated to be involved in two other crimes and his name is included in the rowdy list of Vadakkekkara Police Station.

4. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioner to surrender before the Investigating Officer for custodial interrogation and then to have his application for regular bail disposed of by the Magistrate concerned. Accordingly, the petitioner is directed to surrender before the Investigating Officer on any day between 5.2.2007 and 7.2.2007 for the purpose of custodial interrogation and recovery of incriminating materials, if any. The petitioner shall

thereafter be produced before the Magistrate having jurisdiction on the same day. The Magistrate shall consider and dispose of the application, if any, filed by the petitioner for regular bail, preferably on the same date on which it is filed.

This application is disposed of as above.

V.RAMKUMAR, JUDGE

dsn